

UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND

PARRISH CHASE

v.

A.T. WALL

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C.A. No. 12-45M

REPORT AND RECOMMENDATION

In this matter, Petitioner, Parrish Chase (“Chase”) filed an Application to Proceed Without Prepayment of Fees and Affidavit on January 24, 2012. (Document No. 2). His Application was filed in connection with a Petition for Writ of Habeas Corpus filed under 28 U.S.C. § 2254. (Document No. 1). This matter has been referred to me for preliminary review, findings, and recommended disposition pursuant to 28 U.S.C. § 636(b)(1)(B) and LR Cv 72. The Court has determined that no hearing is necessary. After reviewing the Motion submitted, I recommend that the Application to Proceed Without Prepayment of Fees be DENIED.

Petitioner’s Affidavit states that he is employed at the ACI with a salary of \$62.00 per month, and that he receives monthly income from family and friends of approximately \$150.00 per month. (Document No. 2 at 4-5). Moreover, at the time that the affidavit was submitted, Petitioner had a balance of \$1,184.16 in his Institutional Account. Id. at 6-9. The initial filing fee set forth in 28 U.S.C. §1914(a) for a Petition for Writ of Habeas Corpus is \$5.00, and thus Petitioner has sufficient funds to pay the required filing fee.

Conclusion

For the foregoing reasons, I recommend that the Petitioner’s Application to Proceed Without Prepayment of Fees (Document No. 2) be DENIED. I also recommend that the District Court Order

that Chase's Petition under 28 U.S.C. § 2254 be DISMISSED without prejudice if he does not pay the \$5.00 filing fee to the Clerk within fourteen (14) days.

Any objection to this Report and Recommendation must be specific and must be filed with the Clerk of the Court within fourteen (14) days of its receipt. See Fed. R. Civ. P. 72(b); LR Cv 72. Failure to file specific objections in a timely manner constitutes waiver of the right to review by the District Court and the right to appeal the District Court's decision. See United States v. Valencia-Copete, 792 F.2d 4, 6 (1st Cir. 1986); Park Motor Mart, Inc. v. Ford Motor Co., 616 F.2d 603, 605 (1st Cir. 1980).

/s/ Lincoln D. Almond
LINCOLN D. ALMOND
United States Magistrate Judge
January 26, 2012